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November 19, 2008

BY HAND

Jeff S. Jordan  
Supervisory Attorney  
Complaints Examination & Legal Administration  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: MUR 6079  
Representative Mike Thompson, VINE PAC, and Brian Kelly, as treasurer

Dear Mr. Jordan:

This letter is filed on behalf of Representative Mike Thompson, Victory in November Election Political Action Committee ("VINE PAC") and Brian Kelly, as treasurer (collectively referred to as "the VINE PAC Respondents") in response to the Complaint filed by the National Republican Congressional Committee (the "Complainant"). The Complaint is without merit and should be dismissed.

VINE PAC is a "leadership PAC" associated with Rep. Thompson. The Complaint alleges that, because Rep. Thompson served as an "honorary co-chair" of another PAC – the Democratic Freshmen PAC – with Rep. Debbie Wasserman Schultz, VINE PAC is affiliated not just with the Freshmen PAC, but also with Ms. Wasserman Schultz's own leadership PAC, Democrats Win Seats Political Action Committee ("DWS PAC"). To reach this conclusion, the Complaint points to the fact that the Members both served as honorary co-chairs of the Freshmen PAC, that the PACs received contributions from some of the same donors, and that the PACs made contributions to some of the same candidates.

VINE PAC was formed on June 12, 2002 to support other Democratic candidates. At no point has VINE PAC ever listed an affiliated committee on its Statement of Organization. Representative Thompson raises funds for VINE PAC and is involved in its contribution

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decisions. No other committee has any such involvement in VINE PAC's activities.

From time to time, subject to House ethics rules and the Bipartisan Campaign Reform Act of 2002, Rep. Thompson lends his name to other organizations for fundraising purposes. Toward that end, he agreed to serve as the Freshmen PAC's Honorary Co-Chair. But he has never established, financed, maintained or controlled the Freshmen PAC or DWS PAC. He has no decisionmaking authority or control over their contribution decisions.

The Complaint presents no facts to support a claim that VINE PAC is affiliated with the Freshmen PAC or DWS PAC. Other than the fact that Rep. Thompson and Rep. Wasserman Schultz have each lent their names to the Freshmen PAC's fundraising efforts, the Complaint does not allege the sharing of common officers or employees, or the provision of funds, goods or services among the three committees. See 11 C.F.R. § 100.5(g)(4)(ii)(E), (H).

Representative Thompson has no control over the operations of either the Freshmen PAC or DWS PAC, nor did he or VINE PAC play any role in the formation of the Freshmen PAC or DWS PAC. See *id.* § 100.5(g)(4)(ii)(B), (C), (I). Rep. Thompson has lent his name to the Democratic Freshmen PAC for fundraising purposes only. He has no involvement in DWS PAC at all. Furthermore, the other Respondents to this Complaint do not participate in the governance of VINE PAC and were not involved in VINE PAC's formation.

As Democratic-leaning organizations, VINE PAC, the Freshmen PAC and DWS PAC all receive contributions from some of the same contributors; they make contributions to some of the same candidates. But this modest overlap in activity falls far short of indicating a formal or ongoing relationship between them. See *id.* § 100.5(g)(4)(ii)(J).

Thus, there is no basis for a finding of affiliation in this case – not between VINE PAC and the Freshmen PAC, and certainly not between VINE PAC and DWS PAC. The Commission has previously found that an honorary chairmanship does not trigger affiliation, even with greater evidence of Member involvement and a common treasurer. See MUR 5355 (involving Rep. Pryce). The Commission should reach the same outcome here.

For the foregoing reasons, Respondents respectfully request that the Commission dismiss the Complaint and take no further action.

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Very truly yours,

A handwritten signature in black ink, appearing to read "B. G. Svoboda", with a long horizontal flourish extending to the right.

Brian G. Svoboda  
Kate Sawyer Keane  
Counsel to Respondents